

Florida Board of Optometry

March 25, 2022 Board Meeting Minutes

March 25, 2022 at 9:00 A.M. ET

Embassy Suites Lake Buena Vista
4955 Kyngs Heath Rd
Kissimmee, FL



Stephen Kepley, OD
Chair

David Rouse, OD
Vice Chair

Joe Baker, Jr.
Acting Executive Director

BOARD MEMBERS

Stephen Kepley, OD, Chair
David Rouse, OD, Vice Chair
Katie Gilbert Spear, OD, JD, MPH- *Absence Excused*
Denise Burns-LeGros, OD, FAAO
Robert Easton, Jr., OD, FAAO
John Griffin, Esquire, Consumer
Linville Atkins, Esquire, Consumer- *Resigned effective March 22, 2022*

BOARD STAFF

Joe Baker, Jr., Acting Executive Director
Dontavia Wilson, Program Operations Administrator

BOARD COUNSEL

Deborah Loucks, Senior Assistant Attorney General

DEPARTMENT COUNSEL

Zachary Bell, Assistant General Counsel- *Absent. No Quorum.*

COURT REPORTER

Magnolia Court Reporting: Cynthia Green – 407-896-1813

Recording

Participants in this public meeting should be aware that these proceedings are being recorded. An audio file of the meeting will be posted on the Florida Board of Optometry's website.

Attendance and Continuing Education Credit

Pursuant to Rule 64B13-5.001, Florida Administrative Code, Continuing Education credits maybe available at this meeting (if lasting four or more hours). Licensed practitioners seeking continuing education credits must sign in, stay for the duration of the meeting, and sign out, as detailed in rule.

I) CALL TO ORDER

- A) Roll Call
- B) Welcome
Dr. Kepley opened the meeting making the board members aware that Consumer member, Linville Atkins resigned effective March 22, 2022.

Mr. Baker mentioned to the board members that due to the lack of a quorum there is a possibility to have a former board member sit in at the next scheduled meeting to hear the scheduled disciplinary case.

II) DISCIPLINARY PROCEEDINGS

- A) Settlement Agreement
Recused Board Members: Dr. Gilbert-Spear, Mr. Griffin, and Dr. Easton
 - 1) Terry S. Friedman, O.D., Case No. 2019-39157- Tabled to the next scheduled meeting due to having no quorum.

III) PROSECUTOR'S REPORT

Mr. Baker presented the prosecutor's report and asked on behalf of the prosecutor for the department to be allowed to prosecute the year and older cases.

A motion was made by Dr. Easton to allow prosecution services to prosecute the year and older cases. Dr. Burns-LeGros seconded the motion. Motion passed unanimously.

IV) PETITION FOR WAIVER/VARIANCE

- A) Rule 64B13-5.001: Hours Requirements
 - 1) Smith, Suzanne; 1801-2017- *Not present*. A motion was made by Dr. Burns to deny the petition based on failure to meet the underlying purpose of the statute. Dr. Easton seconded the motion. Motion passed unanimously
- B) Rule 64B-9.004: License Fee Waiver for Veteran and Spouses
 - 1) Blunden, Jeffrey; 1801-6277- *Present*. A motion was made by Dr. Burns-LeGros to deny the petition based on the Board's inability to waive a statutory requirement. Dr. Rouse seconded the motion. Motion passed unanimously.
- C) Rule 64B13-4.001: Examination Requirements
 - 1) Garcia, Kristie; 1801-6257- *Present*. A motion was made by Dr. Burns-LeGros to deny the petition based on failure to meet the underlying purpose of the statute. Mr. Griffin seconded the motion. Motion passed unanimously.

V) APPLICATIONS PRESENTED FOR REVIEW

- A) Rossbach, Ashley Houghton; 1801/6233- *Present*. A motion was made by Dr. Burns-LeGros to approve the application for licensure contingent to PRN evaluation and compliance with any recommendation. Dr. Easton seconded the motion. Motion passed unanimously.
- B) Laird, Kaydee; 1801/6429 *Not present*. A motion was made by Mr. Griffin to approve the application for licensure. Dr. Rouse seconded the motion. Motion passed unanimously.
- C) Johnson, Kaylin; 1801/6480 *Not present*. A motion was made by Dr. Burns-LeGros to approve the application for licensure. Mr. Griffin seconded the motion. Motion passed unanimously.
- D) Nguyen, Kristy; 1801/6450 *Not present*. A motion was made by Mr. Griffin to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.
- E) Viglucci, Nicholas; 1801/6467 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.
- F) Eid, Sarah-Marie; 1801/6479 *Not present*. A motion was made by Dr. Rouse to deny the application for licensure due to not meeting licensure requirements. Dr. Easton seconded the motion. Motion passed unanimously.
- G) Adrian, Steve; 1801/6475 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Burns-LeGros seconded the motion. Motion passed unanimously.
- H) Howard, Danielle; 1801/6466 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Burns-LeGros seconded the motion. Motion passed unanimously.
- I) Zielke, Abigail; 1801/6483 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.

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- J) Seymour, Ashley; 1801/6489 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.
 - K) Kessler, Samantha; 1801/6490 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.
 - L) Demetrios, Romanda; 1801/6195 *Not present*. A motion was made by Dr. Rouse to approve the application for licensure. Dr. Easton seconded the motion. Motion passed unanimously.

VI) NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBEQ)

- A) Certification Review and Discussion- Dr. Easton and Dr. Rouse requested a consultant at the next scheduled meeting for an oversight on part IV examination.
- B) Psychometrician Update regarding Optometry Laws & Rules Examination- Information provided in agenda material.

VII) UPDATE ON 2022 LEGISLATIVE SESSION

- A) CS/CS/SB 768: Department of Health- Provided for informational purposes.
- B) SB 312: Telehealth- Provided for informational purposes.

VIII) BOARD REPORTS

- A) Chair/Vice Chair- Nothing to report.
- B) Committee
 - 1) Budget - Dr. Easton- The board is doing well and looking good.
 - (a) Financial Reports
 - 2) Continuing Education - Dr. Rouse- Received over 100 courses that need to be approved. He discussed how the rule is poorly written regarding transcript for CE's. There is a delusion of the quality of questions that are coming through and Dr. Rouse would like to standardize the passing score for a TQ exam. A passing score of 80% would be reasonable.
 - 3) Compliance, Investigation, & Enforcement - Dr. Kepley- Nothing to report.
 - 4) Disciplinary Compliance - Dr. Spear- Nothing to report.
 - 5) Examination - Dr. Rouse
 - (a) Accreditation Issue/Online Education- Provided for information purposes. Formulate a letter to approve accreditation. Update the accrediting body that there is a potential problem.
 - 6) Florida Optometric Association (FOA) - Dr. Kepley- Nothing to report.
 - 7) Legislative - Dr. Kepley- Nothing to report.
 - 8) Probable Cause - Dr. Spear- Nothing to report.
 - 9) Probationary - Ms. Atkins- - Nothing to report. Dr. Burns-LeGros has been appointed in place of Ms. Atkins.
 - 10) Rules - Dr. Kepley- - Nothing to report.
 - 11) Unlicensed Activity - Dr. Burns-LeGros- - Nothing to report.
- C) Board Counsel
 - 1) Rules Reports
 - (a) February 2022
 - (b) March 202264B18.002 was filed for adoption on March 24, 2022.
 - 2) JAPC Response to 64B13-2.009, FAC- Meetings and Committees- Ms. Loucks will bring the draft language at the next scheduled meeting.

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- 3) Public Comment for Rule 64B13-4.001, FAC- Examination Requirements- Information purposes only.
- D) Executive Director
- 1) COPE Call for Comments on Proposed Course Format Changes- CE Broker is NOT to approve any COPE virtual courses. These COPE virtual courses must come forward to the board for approval.
 - 2) New Executive Director- Dayle Mooney will start on Wednesday, March 30, 2022.
- IX) OLD BUSINESS**
Dr. Kaplan will serve as a consumer service consultant for complaints. Dr. Rouse requested to receive an update on the complaints.
- X) NEW BUSINESS**
None.
- XI) RATIFICATIONS**
- A) Continuing Education
- 1) Providers and Courses Approved by Continuing Education Committee Chair
A motion was made by Dr. Easton to ratify the approved providers and courses. Mr. Griffin seconded the motion. Motion passed unanimously.
 - 2) Providers and Courses Approved by Board Staff
A motion was made by Mr. Griffin to ratify the providers and courses approved by staff. Dr. Easton seconded the motion. Motion passed unanimously.
- XII) ANNUAL BOARD CHAIR AND VICE CHAIR ELECTION**
Dr. Rouse made a motion to retain Dr. Kepley as Chair. Dr. Easton seconded the motion. Motion passed unanimously.
- A motion was made by Dr. Burns-LeGros to retain dr. Rouse. Dr. Easton seconded the motion. Motion passed unanimously.
- XIII) ANNUAL DELEGATION OF AUTHORITY**
A motion was made by Mr. Griffin to establish a one-person credential committee liaison to review applications. The board member reviewing these applications would approve/deny these applications and refer to the full board to ratify board staff approve applications. Dr. Easton seconded the motion. Motion passed unanimously.
- XIV) APPROVAL OF MINUTES**
January 14, 2022- A motion was made my Mr. Griffin to approve. Dr. Burns-LeGros seconded the motion. Motion passed unanimously.
- XV) PUBLIC COMMENTS**
None.
- XVI) NEXT MEETING DATE**
- A) The next scheduled will be at the convention on July 13, 2022.
- XVII) ADJOURNMENT**
A motion was made by Dr. Burns-LeGros to adjourn the meeting at 11:09AM. Dr. Easton seconded the motion. Motion passed unanimously.
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